## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

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) CIVIL NO. 3:11cv459-JAG
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## **ORDER**

This matter is before the Court on the Report and Recommendation of the Magistrate

Judge entered on July 27, 2012 (ECF No. 9). The time to file objections has expired and neither

party has objected to the Report and Recommendation. Having considered the matter and

deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) Plaintiff's Motion for Summary Judgment (ECF No. 6) is DENIED.
- (3) Defendant's Motion for Summary Judgment (ECF No. 8) is GRANTED.
- (4) The decision of the Commissioner is AFFIRMED.
- (5) This case is CLOSED.

Let the Clerk of the Court send a copy of this Final Order to Plaintiff and all counsel of record.

It is so ORDERED.

Richmond, Virginia

Date:  $\frac{2}{13}/(2)$ 

John A. Gibney, Jr/ )/ United States District Judge